

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**UNITED STATES OF AMERICA**

**VERSUS**

**CRIMINAL ACTION NO. 3:07CR137**

**ROBERT C. HILL**

**ORDER**

This cause is before the Court on the government's Motion for Continuance [15]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The trial of this matter is currently set for December 3, 2007. Counsel for the government represents in the motion that one of the material witnesses in this case, Officer Paul Garner of the Oxford Police Department, is currently on military leave and that leave has been extended through January 2008. Title 18, § 3161(h)(3)(A) identifies a period of delay resulting from the absence or unavailability of an essential witness as excludable for purposes of the Speedy Trial Act.

In addition, counsel for the government has conflicting trial settings before Chief Judge Michael P. Mills in United States v. Von Velkinburgh, 1:07CR126 and United States v. Griffin and Maiten, 4:07CR105. Rule 16.3 of the Uniform Local Rules provides: "When the Court has set a case for trial . . . which conflicts with a court appearance of counsel in other courts, the first case having a firm setting shall control . . . ." The Court is also advised that the defendant does not oppose the requested continuance.

These circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(8)(A), the period of delay from December 3, 2007 until the new trial date to be set in this matter. The time is also excludable under subsection (h)(3)(A) for the reasons outlined supra.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. The government's Motion for Continuance [15] is GRANTED;
2. That the trial of this matter is continued until Monday, February 11, 2008 at 9:00 a.m. in the United States District Courthouse in Greenville, Mississippi; multiple voir dire is to be held at the same time and place;
3. That the delay from December 3, 2007 until February 11, 2008 is excluded as set out above;
4. That the deadline for filing pretrial motions is January 22, 2008;
5. That the deadline for submitting a plea agreement is January 28, 2008.

SO ORDERED, this the 27<sup>th</sup> day of November, 2007.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE